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HOUSE BILL 137

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Rick Mi era

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOL PERSONNEL; PROVIDING A LICENSING
FRAMEWORK FOR EDUCATIONAL ASSISTANTS; PROVIDING FOR MINIMUM
SALARIES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-10A-17.1 NMSA 1978 (being Laws
2004, Chapter 30, Section 1) is amended to read:

"22-10A-17.1. EDUCATIONAL ASSISTANTS- - LICENSING
FRAMEWORK- - QUALIFICATIONS- - MINIMUM SALARIES. - -

A. All persons who perform services as educational
assistants in public schools or [~~in those special state-~~
~~supported schools within~~] state agencies must hold valid,
educational assistants licensure issued by the [~~public~~
~~education~~] department. Educational assistants shall be
assigned and serve as assistants to school staff [~~duty~~]

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1 licensed by the [~~public education~~] department. While there may
2 be [~~brief~~] periods when educational assistants are alone with
3 and in control of a classroom of students, their primary use
4 shall be to work alongside or under the direct supervision of
5 [~~duly licensed staff~~] a teacher.

6 ~~[B. The public education department will, through~~
7 ~~appropriate rules, institute a licensure system for educational~~
8 ~~assistants. The highest level of license must ensure that~~
9 ~~educational assistants who hold that level of licensure meet~~
10 ~~the standard for paraprofessionals established in federal~~
11 ~~statute and regulation for employment in a Title 1 program.~~
12 ~~Educational assistants hired on or after January 8, 2002, who~~
13 ~~provide instructional support in a Title 1 program, must meet~~
14 ~~the qualifications for the highest level of licensure on the~~
15 ~~effective date of this statute. Paraprofessionals hired prior~~
16 ~~to January 8, 2002, must meet the qualifications for the~~
17 ~~highest level of licensure by January 8, 2006.~~

18 ~~C. The minimum annual salary for licensed~~
19 ~~educational assistants shall be twelve thousand dollars~~
20 ~~(\$12,000) effective in the 2004-2005 school year.~~

21 ~~D. The minimum salaries specified in Subsection C~~
22 ~~of this section may be adjusted in accordance with~~
23 ~~appropriations for that purpose in each school year as~~
24 ~~established by the secretary of public education.~~

25 ~~E. School districts shall initiate the~~

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1 ~~implementation of a career salary framework that supports the~~
2 ~~licensure system in public education department rules in fiscal~~
3 ~~year 2005.]~~

4 B. A level one educational assistant license is a
5 provisional two-year license for beginning educational
6 assistants who do not meet the qualifications for level three
7 or level four educational assistant licenses. A level one
8 educational assistant license requires as a condition of
9 licensure that the educational assistant undergo an annual
10 intensive performance evaluation by a school administrator or
11 state agency indicating that the educational assistant has
12 satisfactorily demonstrated educational assistant competencies
13 for two full school years before applying for a level two
14 license; provided, however, that a person may meet the
15 qualifications for a level three or level four license and be
16 licensed at one of those levels without first holding a level
17 one license. A person seeking a level one educational
18 assistant license shall meet the following requirements:

19 (1) hold a high school diploma or its
20 equivalent;

21 (2) be eighteen years of age; and

22 (3) provide certification from the local
23 superintendent or state agency that the person seeking
24 licensure has satisfactorily completed an orientation session
25 pertinent to the assignment.

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1 C. A level two license is a nine-year license
2 granted to an educational assistant who meets the
3 qualifications for that level and who annually demonstrates
4 educational assistant competencies. A person seeking a level
5 two educational assistant license shall meet the following
6 requirements:

7 (1) hold a high school diploma or its
8 equivalent;

9 (2) be eighteen years of age;

10 (3) provide certification from the local
11 superintendent or state agency that the person seeking
12 licensure has satisfactorily completed an orientation session
13 pertinent to the assignment; and

14 (4) provide certification from the local
15 superintendent or state agency that the person seeking
16 licensure has satisfactorily demonstrated the educational
17 assistant competencies at level one for two full school years.

18 D. A level three license is a nine-year license
19 granted to an educational assistant who meets the
20 qualifications for that level and who annually demonstrates
21 educational assistant competencies. A person seeking a level
22 three educational assistant license shall meet the following
23 requirements:

24 (1) hold a high school diploma or its
25 equivalent;

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1 (2) be eighteen years of age;

2 (3) provide certification from the local
3 superintendent or state agency that the educational assistant
4 has satisfactorily completed an orientation session pertinent
5 to the assignment; and

6 (4) complete forty-eight semester hours of
7 academic credit awarded by a nationally or regionally
8 accredited college or university that include at least the
9 following fifteen semester hours in nonremedial coursework:

10 (a) three hours of language arts-reading
11 or language arts-reading pedagogy;

12 (b) three hours of writing or writing
13 pedagogy;

14 (c) three hours of mathematics or
15 mathematics pedagogy; and

16 (d) six hours of reading, writing and
17 math readiness; professional education; classroom management;
18 teaching assistance; or special education; or

19 (5) obtain a passing score of at least seventy
20 percent on a test administered pursuant to department rules; or

21 (6) successfully demonstrate competency
22 through a portfolio assessment administered pursuant to
23 department rules.

24 E. A level four license is a nine-year license
25 granted to an educational assistant who meets the

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1 qualifications for that level and who annually demonstrates
2 educational assistant competencies. A person seeking a level
3 four educational assistant license shall meet all of the
4 requirements for holding a level three educational assistant
5 license and, in addition, shall have earned an associate or
6 higher degree from a nationally or regionally accredited
7 college or university.

8 F. The minimum salaries for each licensure level
9 for educational assistants employed by school districts or
10 state agencies are:

11 (1) for level one educational assistants,
12 eleven thousand dollars (\$11,000);

13 (2) for level two educational assistants,
14 thirteen thousand dollars (\$13,000), to be implemented in
15 fiscal year 2006;

16 (3) for level three educational assistants,
17 fifteen thousand dollars (\$15,000), to be implemented in fiscal
18 year 2007; and

19 (4) for level four educational assistants,
20 seventeen thousand dollars (\$17,000), to be implemented in
21 fiscal year 2008.

22 G. Each school district shall implement a career
23 salary framework that supports the licensure system for
24 educational assistants. Salary increments above the minimums
25 required pursuant to Subsection F of this section constitute

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1 the remainder of the framework and shall be based on training
2 and experience as well as other factors deemed appropriate by
3 the school district.

4 H. Educational assistants holding licenses on July
5 1, 2005 shall continue to be licensed at that level for the
6 term of the license. Licensees seeking to renew an educational
7 assistant license shall meet the new requirements.

8 I. The department shall promulgate rules to ensure
9 that educational assistants who hold level three or level four
10 licenses meet the standard for paraprofessionals established in
11 federal law and regulations for employment in a Title 1
12 program. Educational assistants hired on or after January 8,
13 2002 who provide instructional support in a Title 1 program
14 shall meet the qualifications for level three or level four
15 licensure on the effective date of this section. Educational
16 assistants hired prior to January 8, 2002 who provide
17 instructional support in a Title 1 program shall meet the
18 qualifications for level three or level four licensure by
19 January 8, 2006."

20 Section 2. TEMPORARY PROVISION-- LICENSE TRANSITION. -- The
21 public education department shall promulgate rules to
22 transition from the license system in effect on June 30, 2005
23 to the license system provided for in Section 1 of this act.

24 Section 3. APPROPRIATION. -- Three million eight hundred
25 thousand dollars (\$3,800,000) is appropriated from the general

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1 fund to the public school fund for distribution through the
2 state equalization guarantee for expenditure in fiscal year
3 2006 to pay the cost of implementing a minimum salary of
4 thirteen thousand dollars (\$13,000) for educational assistants
5 holding level two, level three or level four licenses.

6 Section 4. EFFECTIVE DATE. --The effective date of the
7 provisions of this act is July 1, 2005.

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